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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,758	06/13/2000	TIMOTHY L. POWERS	CE03958R	5788

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EXAMINER

IQBAL, KHAWAR

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/592,758

Applicant(s)

POWERS ET AL.

Examiner

Khawar Iqbal

Art Unit

2685

*[Signature]*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being unpatentable by Dowden et al (5923247).

Regarding claim 1 Dowden et al teaches a system for reducing congestion in an Operations and Maintenance Center, the system comprising a network element that comprises (abstract):

a filter receiving event notifications from processes within the network element and providing a plurality of filtered event notifications, wherein each event notification of the plurality of event notifications notifies of a different event (col.4, lines 46-67, col.5 line 9-col. 5, line 20);

an event counter module coupled to the filter for receiving the plurality of filtered event notifications from the filter and counting a quantity of event notifications to produce event counter information (col. 6, lines 25-67); and

a performance measurement module coupled to the event counter module for receiving the event counter information from the event counter module and sending alarms to the OMC (col.7, lines 9-67, col.8, lines 45-67).

Regarding claims 2-4,8-9,15 and 16 Dowden et al teaches the filter is operable to select the filtered event notifications to be sent to the event counter module (col. 5, lines 9-65, col. 7, lines 9-65).

Regarding claims 5,10-13 Dowden et al teaches the event counter module establishes threshold crossing criteria and alarm emission criteria for the performance measurement module and wherein the performance measurement module emits an alarm to the Operations and Maintenance Center if the event counter information exceeds a threshold (col. 6, line 20-67).

Regarding claims 6,17-20 Dowden et al teaches wherein the performance measurement module emits an alarm to the Operations and Maintenance Center if the event counter information exceeds a threshold (col. 7, lines 9-45, col. 8, lines 21-65).

Regarding claim 7 Dowden et al teaches a method for reducing the number of event notifications sent to an Operations and Maintenance Center by a network element serviced by the OMC, the method comprising the steps of (abstract):

filtering event notifications to provide a plurality of filtered event notifications, wherein each event notification of the plurality of event notifications notifies of a different event (col. 4, lines 46-67, col.5 line 9-col. 5, line 20);

counting the plurality of filtered event notifications to generate event count information from the filtered event notifications; and emitting an alarm if the event count information exceeds a threshold (col. 4, lines 46-67, col.5 line 9-col. 5, line 20, col.7, lines 9-67, col. 8, lines 45-67).

Regarding claim 14 Dowden et al teaches an apparatus for reducing the number of event notifications sent to an Operations and Maintenance Center by a network element serviced by the OMC comprising (abstract:

means for filtering to provide a plurality of filtered event notifications, wherein each event notification of the plurality of event notifications notifies of a different event (col. 4, lines 46-67, col.5 line 9-col. 5, line 20);

means for counting to generate event count information from the plurality of filtered event notifications; and means for emitting alarms to the OMC based on the event count information (col. 4, lines 46-67, col.5 line 9-col. 5, line 20, (col.7, lines 9-67, col. 8, lines 45-67).

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, Kidder et al (# 6445774), Kulatunge et al (# 6353902), Rowles et al (# 6252852), Oguri (6161010) and Komives et al (6125274)) teach performs event notification.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EDWARD URBAN, can be reached at 703-305- 4385.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2684 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Khawar Iqbal



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